New Fundamental Rights for inclusion in Part III of the Constitution

3579. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the National Commission to Review the Working of the Constitution has suggested a set of new Fundamental Rights for inclusion in Part III of the Constitution;

(b) if so, the details thereof;

(c) Government's reaction to the suggestions made; and

(d) by when Government are likely to take a final decision in the matter?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) Yes, Sir.

(b) As per Statement attached (*See* below)

(c) and (d) Action on the recommendations lies with the Ministries/ Departments of the Government of India which are administratively concerned with the subject matter of the recommendations.

Statement

A set of new fundamental Rights for inclusion in Part III of Constitution as suggested by National Commission to review the working of the Constitution.

1. In article 12 of the Constitution, the expression "other authorities" shall include any person in relation to such of its functions which are of a public nature.
2. In articles 15 and 16, prohibition against discrimination should be extended to "ethnic or social origin, political or other opinion, property or birth".
3. Article 19(1)(a) and (2) should be amended to read as follows:

Article 19(1): All citizens shall have the right:

(a) to freedom of speech and expression which shall include the freedom of the press and other media, the freedom to hold opinions and to seek, receive and impart information and ideas.

19(2): proposes to give the State powers to impose reasonable restrictions of the above right by making suitable laws in the interest of sovereignty, integrity, security of the country, etc.

4. The existing article 21 may be re-numbered as clause (1) thereof, and a new clause (2) should be inserted thereafter on the following lines:—

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

5. After clause (2) in article 21, a new clause, namely, clause (3) should be added on the following lines:—

"Every person who has been illegally deprived of his right to life or liberty shall have an enforceable right to compensation."

6. After article 21, a new article, say article 21-A, should be inserted on the following lines:—

"Every person shall have the right to leave the territory of India and every citizen shall have the right to return to India."

7. A new article, namely, article 21-B, should be inserted on the following lines:—

"Every person has a right to respect for his private and family life, his home and his correspondence."

8. A new article, say article 21-C, may be added to make it obligatory on the State to bring suitable legislation for ensuring the right to rural wage employment for a minimum of eighty days in a year.

9. After article 30, a new article, 30-A, regarding access to Courts and Tribunals and speedy justice should be added.

10. Article 39-A, in Part IV under the Directive Principles of State Policy, regarding equal justice and free legal aid, should be made a Fundamental Right and added as a new article, 30-B of the Constitution.

11. Article 300-A should be recast to provide that deprivation or acquisition or property shall be by authority of law for public purpose only and prohibition of arbitrary deprivation and acquisition of property, provision of suitable rehabilitation before taking over the land.

12. The following proviso should be added at the end of Article 31-B:—

"Provided that the protection afforded by this article to Act and Regulations which may be hereafter specified in the Ninth Schedule or any of the provisions thereof, shall not apply unless such Act or Regulations relate to agrarian and land reforms, reasonable quantum or reservation under Articles 15 and 16 or principles specified in clause (b) or (c) of article 39.

13. Clauses (1) and 1(A) of article 359 should be amended by substitution of "(except articles 20 and 21)" by "(except articles 17, 20, 21, 23, 24, 25 and 32)."

14. The scope of article 30-C regarding right to education of children from 6 to 14 years should be enlarged to include girls and members of SC / ST upto the age of 18 years.

15. Inclusion of a new article, 24-A, to provide every child the right to care and assistance in basic needs and protection from all forms of neglect, harm and exploitation.

16. Inclusion of a new article, 30-D, to give every person right to safe drinking water, prevention of pollution, conservation of ecology and sustainable development.

17. Explanation II to article 25 should be omitted and sub-clause (b) of clause (2) of that article should be reworded to read as follows:—

"(b) providing for social welfare and reform or the throwing open of Hindu, Sikh, Jaina or Buddhist religious institutions of a public character to all classes and sections of these religions."

18. In article 347 of the Constitution, for the words "a substantial proportion of the population", the words "not less than ten per cent of the population" should be substituted.

Reforms in electoral process

3580. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the National Commission to review the Constitution has suggested extensive and far-reaching reforms in the electoral process in the country;

(b) if so, the details thereof and Government's reaction thereto;